

BEFORE THE
Federal Communications Commission

WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 95-120
Table of Allotments)	
FM Broadcast Stations)	RM-8650
(Premont, Texas))	

To: Chief, Policy & Rules Division

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COMMENTS OF PAULINO BERNAL

Paulino Bernal, by his attorneys, hereby submits his comments in support of the Notice of Proposed Rule Making released by the Commission on July 26, 1995 in response to the Petition he filed on May 12, 1995.¹

In the Petition, Mr. Bernal requested that the Commission amend Section 73.202(b) of its Rules so as to replace the existing allotment for Channel 285A at Premont, Texas with Channel 264C3 in the same community.

¹ Comments were due to be filed September 18, 1995. Unfortunately, due to a variety of reasons including Mr. Bernal's absence from the state and counsel's having been overwhelmed with other work during this period, the comments are being submitted at this time. Given that no comments have been filed contesting the proposed allotment, it would be consistent with Commission practice for these comments to be accepted as a continuing expression of interest on the part of the petitioner, and Mr. Bernal hereby requests that such be done in this situation. As coordination with Mexico is required in connection with this proposal, and is likely to be the determining factor in the time the Commission is able to issue a Report and Order, the delay in the submission of these comments should not prove material.

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As was recited in the Notice, Mr. Bernal is the licensee of FM broadcast station KMFM in Premont, which is licensed for operation on Channel 285A. This is the only radio broadcast station in Premont, which is a community of about four thousand people in South Texas.

The operation of KMFM as a Class A facility, with the limited coverage that status implies, has imposed a hardship on Mr. Bernal, as the revenue of the station operation has never matched the cost of operating KMFM. The station is not operated for the primary purpose of financial reward, but nevertheless the burden of operation has been a heavy one.

The proposed change would serve the public interest by making the broadcasts of KMFM available to more people and making a better signal available to the population within the presently authorized 60 dBu contour of KMFM.

The Commission noted, in the rulemaking notice, that it might not be possible to modify the authorization of KMFM so as to effectuate the upgrade if competing expressions of interest were received. Fortunately, to the knowledge of the undersigned, no such expressions have been filed.

Accordingly, Mr. Bernal renews his request that the Commission modify the license for KMFM to permit operation on the higher class channel. As was promised in the Petition, upon the issuance of a Report and Order to that effect, Mr. Bernal will apply for specific facilities to effectuate the upgrade. Once the application for the construction permit for those facilities is issued,

Mr. Bernal will construct those new facilities so as to implement the new allotment. Specifically, Mr. Bernal desires to locate the site for the new facility at 14.4 km northeast (29° T) of the community of license at coordinates 27° 28 27" North Latitude, 98° 03' 10" West Longitude. Those coordinates identify an existing tower which Mr. Bernal plans to use for the station as a Class C3 operation.

In view of the foregoing, the Commission is hereby requested, to finalize the following change to Section 73.202(b) to the Table of FM Allotments:

<u>City/State</u>	<u>Present</u>	<u>Channel No.</u>
Premont, Texas		285A

<u>City/State</u>	<u>Proposed</u>	<u>Channel No.</u>
Premont, Texas		264C3

Respectfully submitted,

PAULINO BERNAL

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